

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL PALM, et al,

Plaintiffs,

vs.

No. CIV-09-0397 MCA/LAM

**THE BOARD OF COUNTY COMMISSIONERS
OF BERNALILLO COUNTY,**

Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO EXTEND
DISCOVERY DEADLINE (Doc. 11)**

THIS MATTER is before the Court on Plaintiffs' *Unopposed Motion to Extend Discovery Deadline* (Doc. 118), filed February 24, 2010. Plaintiffs state that Defendant failed to appear at the noticed Rule 30(b)(6) deposition on February 23, 2010 and that the parties have agreed to conduct the Rule 30(b)(6) deposition during the week of March 1, 2010. Plaintiffs ask the Court for: (1) an extension of the discovery deadline until March 5, 2010 to take Defendant's Rule 30(b)(6) deposition; (2) attorney's fees, costs and mileage to reimburse Plaintiffs' counsel for the missed deposition and filing this motion; (3) the transcriptionist costs for the missed deposition; and (4) the Court to grant the relief requested by Plaintiffs' in *Plaintiffs' Motion for Discovery Sanctions and Memorandum in Support* (Doc. 116). Plaintiffs state that their motion is unopposed except that their request that the Court grant the relief requested in *Document 116* is opposed by Defendant. Having considered the motion, the record in this case, and relevant law, the Court **FINDS** that the motion should be **GRANTED in part** and **DENIED in part**.

The Court will grant the unopposed portions of this motion and allow an extension of the discovery deadline until March 5, 2010 for Plaintiffs to take Defendant's Rule 30(b)(6) deposition and will order Defendant to pay Plaintiffs' attorney's fees, costs and mileage associated with appearing for the deposition and filing this motion, as well as the transcriptionist costs for the missed deposition. The Court will deny Plaintiffs' opposed request that the Court grant the relief asked for in *Plaintiffs' Motion for Discovery Sanctions and Memorandum in Support* (Doc. 116) because that motion has not been fully briefed and, thus, is not ready for ruling by the Court.¹

IT IS THEREFORE ORDERED that Plaintiffs' *Unopposed Motion to Extend Discovery Deadline* (Doc. 118) is **GRANTED in part** and **DENIED in part**.

IT IS FURTHER ORDERED that the discovery deadline in this case is extended until **March 5, 2010** for Plaintiffs to take Defendant's Rule 30(b)(6) deposition.

IT IS FURTHER ORDERED that Plaintiffs' counsel may submit documentation of the attorney's fees, costs and mileage associated with the missed deposition and filing this motion, as well as the transcriptionist costs for the missed deposition, by **March 3, 2010**, and Defendant may respond to the amount requested by **March 8, 2010**.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

¹*Plaintiffs' Motion for Discovery Sanctions and Memorandum in Support* (Doc. 116) was filed February 18, 2010, making Defendant's response due March 8, 2010.